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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF CALIFORNIA

In re

MARK STEPHEN TROTTER, [SSN -
9769]

Debtor.

LESLIE T. GLADSTONE, Chapter 7
Trustee

Plaintiff,

v.

GOODMAN & RICHTER, LLP,

Defendant.

)Case No. 05-11028-M7

)Adv. Proc. No. _____

)**COMPLAINT FOR ACCOUNTING
& TURNOVER OF PROPERTY OF
THE ESTATE [11 U.S.C. § 542]**

Plaintiff, Leslie T. Gladstone, Chapter 7 Trustee ("Plaintiff"), alleges as follows:

JURISDICTION AND VENUE

1. This adversary processing is brought pursuant to 11 U.S.C. § 542 and Rule 7001 of the Federal Rules of Bankruptcy Procedure.

2. This court has subject matter jurisdiction over this adversary proceeding pursuant to 28 U.S.C. §§ 157(b) and 1334(b) in that it arises under Title 11 of the United State Code (the "Bankruptcy Code").

3. Pursuant to said Fed. R. Bankr. P. 7008(a), Plaintiff states this adversary proceeding is a core proceeding pursuant to 28 U.S.C. § 157(b) 2 (A), (H) and (O).

3 4. Venue of this adversary proceeding is proper in this court pursuant to 28
4 U.S.C. § 1409(a).

5 5. On October 7, 2005, Mark Stephen Trotter (“Debtor”) filed a voluntary
6 petition for relief under Chapter 7 of the Bankruptcy Code and was assigned case number
7 05-11028-JM7.

PARTIES

9 6. Leslie T. Gladstone (“hereinafter “Plaintiff”) is the duly appointed Chapter 7
10 Trustee in this bankruptcy case, and is the plaintiff in this adversary proceeding.

7. Plaintiff is informed and believes and alleges that at all relevant times Goodman & Richter, LLC (“Defendant”) was and is a California limited liability company doing business in the State of California.

FACTS TO ALL CLAIMS FOR RELIEF

15 8. Plaintiff is informed and believes and therein alleges that on or about
16 September 1, 2005, Debtor transferred the sum of \$10,000.00, to the Defendant as a
17 litigation retainer.

FIRST CLAIM FOR RELIEF

(Accounting)

20 9. Plaintiff realleges and incorporates by this reference the allegations contained
21 in paragraphs 1 through 8, inclusive.

10. Plaintiff is informed and believes and therein alleges that as a result of the transfer alleged in paragraph 8 above, Defendant is in possession, custody or control of the sum of not less than \$10,000.00, that Plaintiff may administer on behalf of the unsecured creditors of the Debtor's bankruptcy estate and therefore the Defendant must deliver and

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1 turn over the sum of not less than \$10,000.00, to Plaintiff and provide Plaintiff with a
2 written accounting of said transferred proceeds

3
4 **SECOND CLAIM FOR RELIEF**

5 **(For Turnover of Property the Estate Pursuant to 11 U.S.C. § 542)**

6 11. Plaintiff realleges and incorporates herein by this reference the allegations
7 contained in paragraphs 1 through 10, inclusive.

8 12. The \$10,000.00 referenced herein in the above mentioned paragraph 8, was
9 alleged by Debtor in Schedule B #33 to be a contingent remainder interest in a litigation
10 retainer, subject to attorney's security interest and thereby property of the Debtor's
11 bankruptcy estate under 11 U.S.C. § 541 which Plaintiff is entitled to administer on behalf
12 of the unsecured creditors of this estate.

13 13. Defendant has a duty to turn over all estate property pursuant to 11 U.S.C. §
14 542(a).

15 14. By this complaint, Plaintiff demands that Defendant turn over the sum of
16 \$10,000.00, to the Plaintiff including but not limited to all right, title and interest Defendant
17 holds in the \$10,000.00, plus interest at the legal rate.

18 WHEREFORE, Plaintiff prays for judgment as follows:

19 **FIRST CLAIM FOR RELIEF**

20 1. That judgment be entered in favor of the Plaintiff directing Defendant to provide
21 an accounting of the transferred proceeds in the amount of \$10,000.00, from the date of
22 receipt to the date of filing of this Complaint.

23 2. For interest, cost of suit and attorneys' fees, if appropriate.

24 3. For such other and further relief as the Court deems just and proper.

25 **SECOND CLAIM FOR RELIEF**

26 1. That judgment be entered in favor of the Plaintiff for the benefit of the estate
27 requiring Defendant to turn over to the Plaintiff the sum of \$10,000.00, as alleged herein in
28 accordance with 11 U.S.C. § 542.

1 2. For interest, cost of suit and attorneys' fees, if appropriate.

2 3. For such other and further relief as the Court deems just and proper.

3 Dated: September 18, 2007

SPARBER RUDOLPH ANNEN, APLC

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5 By: 

James F. Lewin, Esq.,
6 Attorneys for Plaintiff, Leslie T. Gladstone, Chapter 7
Trustee
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